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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/611,355 | 07/06/2000 | Cary Gresham Bayne | CDOC-002 | 6374 |

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| EXAMINER |
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PASS, NATALIE

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| ART UNIT | PAPER NUMBER |
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3626

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,355

Applicant(s)

BAYNE, CARY GRESHAM

Examiner

Natalie A. Pass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) 1-30 and 62-68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 06 July 2000. Claims 1-68 are pending.

Specification

2. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

Election/Restrictions

3. Applicant's election with traverse of Group I claims 31-61 in Paper No. 10 is acknowledged. The traversal is on the ground(s) that Applicant believes that the groups of claims are so closely related that no additional searches are required. This is not found persuasive because as specified by the Examiner in the Office Action of 16 July 2003 the claims span inventions classified in four different classes and subclasses. In addition it should be noted that restriction was required to one of four groups of claims, and not to one of three groups as mentioned in Applicant's reply (paper number 10).

The requirement is still deemed proper and is therefore made FINAL.

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4. Claims 1-30 and 62-68 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 9.

5. This application contains claims 1-30 and 62-68 drawn to an invention nonelected with traverse in Paper No. 10. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 31-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iliff, U.S. Patent Number 6, 022, 315 in view of Reuss et al., U.S. Patent Number 6, 364, 834.

(A) As per claim 31, Iliff teaches a method of providing medical care comprising:
receiving patient medical information via an Internet web site (Iliff; see at least Figures 24, 25b, 26-30, Abstract, column 14, lines 49-56, column 26, lines 28-45, column 28, line 55 to column 29, line 11, column 41, line 54 to column 42, line 25, column 67, line 20 to column 68,

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line 44, column 69, line 16 to column 71, line 51, column 72, line 54 to column 73, line 30, column 76, line 44 to column 77, line 19);

executing a computer program to review said medical information to determine a response personnel description (Iliff; see at least Figures 24, 25b, 26-30, Abstract, column 14, lines 49-56, column 26, lines 28-45, column 28, line 55 to column 29, line 11, column 41, line 54 to column 42, line 25, column 67, line 20 to column 68, line 44, column 69, line 16 to column 71, line 51, column 72, line 54 to column 73, line 30, column 76, line 44 to column 77, line 19); and

accessing a computer data base to select appropriate personnel according to said response personnel description (Iliff; see at least Figures 24, 25b, 26-30, Abstract, column 14, lines 49-56, column 26, lines 28-45, column 28, line 55 to column 29, line 11, column 41, line 54 to column 42, line 25, column 67, line 20 to column 68, line 44, column 69, line 16 to column 71, line 51, column 72, line 54 to column 73, line 30, column 76, line 44 to column 77, line 19).

Iliff fails to explicitly disclose

sending wireless dispatch information to said appropriate personnel.

However, the above features are well-known in the art, as evidenced by Reuss.

In particular, Reuss teaches

sending wireless dispatch information to said appropriate personnel (Reuss; column 3, lines 35-59, column 5, lines 37-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of providing medical care of Iliff to include sending wireless dispatch information to said appropriate personnel, as taught by Reuss, with the motivations of

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providing a medical monitoring system which enables transmission of messages, including medical alert, from the central monitoring system to wireless, remote access devices, which may themselves reply or communicate with each other, and in which secure delivery of a medical alert message can be guaranteed by utilizing an integral wireless communications system and which enables automatic transfer of patient data from the central monitoring system to auxiliary systems for analysis, display, storage and/or retrieval (Reuss; column 3, lines 35-59).

(B) As per claims 32-38, Iliff and Reuss teach a method as analyzed and discussed in claim 31 above:

wherein said accessing of said data base to select said appropriate personal comprises evaluating a current geographical location of a set of available personnel (Reuss; column 3, lines 35-59, column 5, lines 37-63);

wherein said accessing of said data base to select said appropriate personnel comprises evaluating scheduling information of a set of available personnel (Reuss; column 16, lines 34-45);

wherein said accessing of said data base to select said appropriate personal comprises evaluating medical equipment available to a set of available personnel (Reuss; column 16, lines 34-45);

wherein receiving said patient medical information via said Internet web site comprises receiving said patient medical information automatically from a medical device co-located with a patient (Reuss; see at least Abstract, column 3, line 35 to column 4, line 20);

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wherein sending said wireless dispatch information includes sending patient medical record information, current medical condition information, and current patient location information (Reuss; column 4, line 41 to column 5, line 63);

further comprising querying for additional medical information via said web site before executing said computer program (Reuss; column 5, lines 12-36, column 10, lines 6-24); and

further comprising sending an e-mail message to a registered party in response to receiving said medical information (Reuss; column 4, line 55 to column 5, line 63);

(C) As per claims 39-45, Iliff and Reuss teach a method as analyzed and discussed in claim 31 above:

further comprising responding via said web site in response to sending said wireless dispatch information (Iliff; see at least column 68, lines 4-12, column 68, line 65 to column 70, line 12, column 76, line 43 to column 77, line 19);

wherein said reviewing of medical information comprises accessing previously stored medical condition information (Iliff; column 2, lines 1-65), (Reuss; column 15, lines 3-10);

wherein the operation of executing said computer program comprises manual execution by trained personnel (Iliff; column 21, lines 40-60, column 48, lines 44-55);

further comprising receiving electronic information from said selected personnel regarding treatment of the patient and storing said electronic information in a medical file (Iliff; column 23, lines 49-57, column 24, lines 14-41, column 28, lines 23-55);

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further comprising receiving electronic information from said selected personnel regarding treatment of the patient and automatically generating a responsive bill (Iliff; column 25, lines 31-47);

further comprising receiving electronic information from 2 said selected personnel regarding treatment of the patient and notifying a registered party via an automatic e-mail message (Reuss; column 4, line 55 to column 5, line 63); and

further comprising receiving electronic information from said selected personnel regarding treatment of the patient, automatically scheduling a follow-up visit, and notifying a registered party via an automatic e-mail message of said follow-up visit (Reuss; column 16, lines 34-45).

The motivations for combining the respective teachings of Iliff and Reuss are as given in the rejection of claim 31 above, and incorporated herein.

(D) As per claim 46, Iliff and Reuss teach a method as analyzed and discussed in claim 31 above further comprising:

the selected personnel receiving wireless dispatch information concerning a patient including current location information, current medical symptoms and historic medical records (Reuss; column 4, line 21 to column 6, line 35);

the selected personnel following said location information to locate and treat said patient according to said wireless dispatch information (Reuss; column 4, line 21 to column 6, line 35);

the selected personnel entering medical treatment information in response to patient treatment (Reuss; column 4, line 21 to column 6, line 35); and

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wirelessly transmitting said medical treatment information to a central location (Reuss; column 4, line 21 to column 6, line 35).

(E) Claim 47 differs from claim 31 in that it is a method of providing medical care rather than a method of providing medical care comprising an Internet web site.

As per claim 47, Iliff and Reuss teach a method of providing medical care comprising: receiving medical information automatically from a medical device located at a patient's current location (Reuss; see at least Abstract, column 3, line 35 to column 4, line 20);

executing a computer program to review said medical information to determine an appropriate response personnel (Iliff; see at least Figures 24, 25b, 26-30, Abstract, column 14, lines 49-56, column 26, lines 28-45, column 28, line 55 to column 29, line 11, column 41, line 54 to column 42, line 25, column 67, line 20 to column 68, line 44, column 69, line 16 to column 71, line 51, column 72, line 54 to column 73, line 30, column 76, line 44 to column 77, line 19);

accessing a data base to select appropriate personnel (Iliff; see at least Figures 24, 25b, 26-30, Abstract, column 14, lines 49-56, column 26, lines 28-45, column 28, line 55 to column 29, line 11, column 41, line 54 to column 42, line 25, column 67, line 20 to column 68, line 44, column 69, line 16 to column 71, line 51, column 72, line 54 to column 73, line 30, column 76, line 44 to column 77, line 19); and

sending wireless dispatch information to said appropriate personnel (Reuss; column 3, lines 35-59, column 5, lines 37-63).

The motivations for combining the respective teachings of Iliff and Reuss are as given in the rejection of claim 31 above, and incorporated herein.

(F) As per claims 48-54, Iliff and Reuss teach a method as analyzed and discussed in claim 47 above:

wherein said accessing of said data base to select said appropriate personal comprises evaluating a current geographical location of a set of available personnel (Reuss; column 3, lines 35-59, column 5, lines 37-63).

wherein said accessing of said data base to select said appropriate personal comprises evaluating scheduling information of a set of available personnel (Reuss; column 16, lines 34-45);

wherein said accessing of said data base to select said appropriate personal comprises evaluating medical equipment available to a set of available personnel (Reuss; column 16, lines 34-45);

wherein receiving said patient medical information via said Internet web site comprises receiving said patient medical information automatically from a medical device co-located with a patient (Reuss; see at least Abstract, column 3, line 35 to column 4, line 20);

wherein sending said wireless dispatch information includes sending patient medical record information, current medical condition information, and current patient location information (Reuss; column 4, line 41 to column 5, line 63);

further comprising querying for additional medical information via said web site before executing said computer program (Reuss; column 5, lines 12-36, column 10, lines 6-24); and

further comprising sending an e-mail message to a registered party in response to receiving said medical information (Reuss; column 4, line 55 to column 5, line 63).

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(G) As per claims 55-61, Iliff and Reuss teach a method as analyzed and discussed in claim 31 above:

further comprising responding via said web site in response to sending said wireless dispatch information (Iliff; see at least column 68, lines 4-12, column 68, line 65 to column 70, line 12, column 76, line 43 to column 77, line 19);

wherein said reviewing of medical information comprises accessing previously stored medical condition information (Iliff; column 2, lines 1-65), (Reuss; column 15, lines 3-10);

wherein the operation of executing said computer program comprises manual execution by trained personnel (Iliff; column 21, lines 40-60, column 48, lines 44-55);

further comprising receiving electronic information from said selected personnel regarding treatment of the patient and storing said electronic information in a medical file (Iliff; column 23, lines 49-57, column 24, lines 14-41, column 28, lines 23-55);

further comprising receiving electronic information from said selected personnel regarding treatment of the patient and automatically generating a responsive bill (Iliff; column 25, lines 31-47);

further comprising receiving electronic information from said selected personnel regarding treatment of the patient and notifying a registered party via an automatic e-mail message (Reuss; column 4, line 55 to column 5, line 63); and

further comprising receiving electronic information from said selected personnel regarding treatment of the patient, automatically scheduling a follow-up visit, and notifying a

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registered party via an automatic e-mail message of said follow-up visit (Reuss; column 16, lines 34-45).

The motivations for combining the respective teachings of Iliff and Reuss are as given in the rejection of claim 31 above, and incorporated herein.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references Sato et al., U.S. Patent Number 5, 911, 687, Delestienne et al., U.S. Patent Number 6,377,162 and the article teach the environment of treating patients utilizing wireless communication of medical information.

Sato et al., U.S. Patent Number 5, 911, 687, teaches a wide area medical information system and method including selecting from a plurality of doctors from a doctor database.

Delestienne et al., U.S. Patent Number 6,377,162, teaches a medical diagnostic field service method and apparatus using the Internet.

Loudin, A. How to provide home care without losing your shirt. September, 1997. American College of Physicians website. [Retrieved on May 13, 2003]. Retrieved from Internet. URL: <<http://www.acponline.org/journals/news/sept97/homecare.htm>>.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington D.C. 20231

or faxed to: **(703) 305-7687.**

For informal or draft communications, please label
"PROPOSED" or "DRAFT" on the front page of the
communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."
Hand-delivered responses should be brought to Crystal Park 5,
2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

N.A.P.

Natalie A. Pass

December 1, 2003

Alvin L. Calimach
Suzanne K. Mowser
Primary Examiner
Art 3626